



# House of Representatives

General Assembly

**File No. 98**

February Session, 2012

Substitute House Bill No. 5235

*House of Representatives, March 26, 2012*

The Committee on Labor and Public Employees reported through REP. ZALASKI of the 81st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING AN EMPLOYEE'S RIGHT TO INSPECT, COPY OR DISPUTE THE CONTENTS OF HIS OR HER PERSONNEL FILE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-128b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 (a) Each employer shall, [within a reasonable time] not more than  
4 three business days after receipt of a written request from an  
5 employee, permit such employee to inspect, and if requested, copy his  
6 or her personnel file if such a file exists. Such inspection shall take  
7 place during regular business hours at a location at or reasonably near  
8 the employee's place of employment. Each employer who has  
9 personnel files shall be required to keep any personnel file pertaining  
10 to a particular employee for at least one year after the termination of  
11 such employee's employment.

12 (b) Each employer shall, not more than ten business days after

13 receipt of a written request from a former employee, permit such  
14 former employee to inspect, and if requested, copy his or her  
15 personnel file if such a file exists, provided the employer receives such  
16 written request not later than one year after the termination of such  
17 former employee's employment with the employer. Such inspection  
18 shall take place during regular business hours at a location at or  
19 reasonably near the former employee's former place of employment  
20 with the employer.

21 (c) Each employer shall provide an employee with a copy of any  
22 documentation of any disciplinary action imposed on that employee  
23 not more than one business day after the date of imposing such action.  
24 Each employer shall immediately provide an employee with a copy of  
25 any documented notice of that employee's termination of employment.

26 Sec. 2. Section 31-128e of the general statutes is repealed and the  
27 following is substituted in lieu thereof (*Effective October 1, 2012*):

28 (a) If upon inspection of his or her personnel file or medical records  
29 an employee disagrees with any of the information contained in such  
30 file or records, removal or correction of such information may be  
31 agreed upon by such employee and his or her employer. If such  
32 employee and employer cannot agree upon such removal or correction  
33 then such employee may submit a written statement explaining his or  
34 her position. Such statement shall be maintained as part of such  
35 employee's personnel file or medical records and shall accompany any  
36 transmittal or disclosure from such file or records made to a third  
37 party.

38 (b) Each employer shall include a statement in clear and  
39 conspicuous language in any documented disciplinary action, notice of  
40 termination of such employee's employment or performance  
41 evaluation that the employee may, should the employee disagree with  
42 any of the information contained in such statement, submit a written  
43 statement explaining his or her position. Such employee statement  
44 shall be maintained as part of such employee's personnel file and shall  
45 accompany any transmittal or disclosure from such file or records

46 made to a third party.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	31-128b
Sec. 2	<i>October 1, 2012</i>	31-128e

**LAB**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which makes several changes to the way employers must maintain and provide access to an employee's personnel file, has no fiscal impact.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR BILL ANALYSIS****sHB 5235*****AN ACT CONCERNING AN EMPLOYEE'S RIGHT TO INSPECT, COPY OR DISPUTE THE CONTENTS OF HIS OR HER PERSONNEL FILE.*****SUMMARY:**

This bill makes several changes to the law that regulates how an employer must maintain and make accessible to an employee his or her personnel file. It (1) specifies how quickly an employer must provide a current or former employee with access to his or her file, (2) requires employers to provide employees with copies of documentation of any disciplinary action or termination, and (3) requires employers to notify employees that they can include a written statement in their personnel file disagreeing with the employer's discipline, evaluation, or termination of the employee.

EFFECTIVE DATE: October 1, 2012

**PERSONNEL FILE REQUIREMENTS*****Access and Copying***

Under current law, an employer must provide a current or former employee with access to his or her file within a reasonable time after receiving a written request. The bill changes this to (1) not more than three business days for employees and (2) not more than 10 business days for former employees as long as the request is within one year of the employee's termination from that employer. In both instances the bill specifies that the employee may copy his or her file if requested.

***Copies of Disciplinary Action or Termination***

The bill requires employers to provide an employee with a copy of any documentation of any disciplinary action imposed on that employee not more than one business day after the date the action is

imposed. It also requires each employer to immediately provide an employee with a copy of any documented notice of that employee's termination of employment. Since this requirement only applies to any documented termination notice, a termination without written notice would not trigger this requirement.

***Notice of Right to Include Written Statement***

The bill requires employers to include a statement notifying an employee that he or she can disagree with any performance evaluation, documented disciplinary action, or notice of the employee's termination. This notification must accompany any evaluation, documented disciplinary action, or termination. The employee can submit a written statement explaining his or her position and the statement becomes part of the employee's personnel file. The statement must accompany any transmittal or disclosure of the file to a third party.

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 8      Nay 3      (03/15/2012)